

5137. Adulteration of tomato ketchup. U. S. * * * v. 770 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7441. I. S. Nos. 20663-1, 20664-1. S. No. W-93.)

On May 18, 1916, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 770 cases of tomato ketchup, consigned, October 10, 1914, and January 14, 1915, by the Naboth Vineyards, Brocton, N. Y., and remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped and transported from the State of New York to the State of Colorado, and charging adulteration, in violation of the Food and Drugs Act. The bottles in 685 cases were labeled in part: "Naboth Brand Tomato Catsup, Naboth Vineyards, Brocton, N. Y." The bottles in 85 cases were labeled in part: "De Luxe Tomato Catsup, Naboth Vineyards, Brocton, N. Y."

Adulteration of the article was alleged in substance in the libel, for the reason that it consisted in part of a decomposed vegetable substance.

On August 2, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*